S.B.CRIMINAL MISC. BAIL APPLICATION NO.5876/2007
(Nathu Ram vs. State of Rajasthan)

DATE OF ORDER : December 04, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Vinit Kumar Mathur, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor for State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned. I have gone through the statement of the prosecutrix recorded by the Judicial Magistrate under section 164 Cr.P.C.

The allegation of taking the prosecutrix is against co-accused Ramesh. At the time of taking the prosecutrix, the petitioner was not with co-accused Ramesh. As per the statement of the prosecutrix herself, there is no allegation of rape against the petitioner.

Having regard to the facts and circumstances of the case and the fact that no specific roll has been assigned to the petitioner, I consider it just and proper to grant anticipatory bail to the petitioner.

Accordingly, the bail application filed by petitioner under

section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Nathu Ram s/o Khima Ram in FIR No. 279/2007, Police Station, Barmer Kotwali, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR),J.

m.asif/-